

1635

Dkt. 0575/55669-A-PCT-US/JPW/PJP/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cy A. Stein et al.

Serial No.: 09/753,169

Examiner: J.L Epps

Filed : January 2, 2001

Group Art Unit: 1635

For : OLIGONUCLEOTIDE INHIBITORS OF bcl-xL

1185 Avenue of the Americas  
New York, New York 10036  
January 13, 2003

Assistant Commissioner for Patents  
BOX Sequence, P.O. 2327  
Arlington, VA 22202

Sir:

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COMMUNICATION IN RESPONSE TO JANUARY 2, 2003 NOTICE TO COMPLY  
WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE DISCLOSURE

This Communication is submitted in response to the January 2, 2003 Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to this January 2, 2003 Notice is due February 2, 2003. Accordingly, this Communication is being timely filed.

The Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures indicates that the application fails to comply with the requirements of 37 C.F.R. §1.821 - 1.825. A copy of the Notice is annexed hereto as **Exhibit A**.

In response, applicants submit as **Exhibit B** hereto a paper copy of

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the Sequence Listing, a Statement in accordance with 37 C.F.R. §1.821(f) as **Exhibit C**, and a C.R.F. Sequence Listing.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. If any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

*Peter Phillips*  
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Registration No. 28,678  
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Attorneys for Applicants  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, BOX Sequence, P.O. 2327 Arlington, VA 22202	
<i>Peter Phillips</i> 1/13/03	
Peter J. Phillips Registration No. 29,691	Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,169	01/02/2001	Cy A. Stein	55669-A-PCT-US/JPW/GJC	9695

7590 01/02/2003

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EXAMINER

EPPS, JANET L

ART UNIT	PAPER NUMBER
1635	16

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Art Unit: 1635

APPL COPY

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***Sequence Listing***

The communication filed 10-22-02 is not fully responsive to the Office communication mailed 9-26-02 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules, see also the attached Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

1/2/2003

1 Mo: 2/2/2003

2 Mo: 3/2/2003

3 Mo: 4/2/2003

4 Mo: 5/2/2003

5 Mo: 6/2/2003

6 Mo: 7/2/2003 smc

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janet L Epps-Ford, Ph.D. whose telephone number is 703-308-8883. The examiner can normally be reached on M-T, Thurs-Friday 9:00AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John LeGuyader can be reached on (703)-308-0447. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-746-5143 for After Final communications.

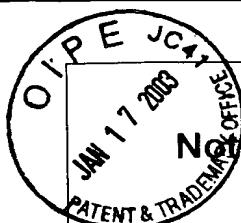
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Janet L Epps-Ford, Ph.D.  
Examiner  
Art Unit 1635

*JLE*  
December 29, 2002



SEAN McGARRY  
PRIMARY EXAMINER



## Notice to Comply

Application No.	09/753,169	Applicant(s)
Examiner	Janet Epps-Ford	Usman et al. Art Unit 1635

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other

#### Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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